

September 8 and 11, 1923, respectively, from the State of Colorado into the State of Wyoming, of quantities of butter which was misbranded. The article was labeled in part: "Brookfield Creamery Butter 1 Lb. Net Weight * * * Swift & Company, U. S. A. Distributor."

Examination by the Bureau of Chemistry of this department showed that the average net weight of 96, 95, 90, and 96 cartons from the 4 lots was 15.51, 15.58, 15.64, and 15.62 ounces, respectively.

Misbranding of the article was alleged in the informations for the reason that the statement, to wit "1 Lb. Net Weight," borne on the package containing the said article, was false and misleading, in that the said statement represented that each of the said packages contained 1 pound of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net weight of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 15, 1924, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate sum of \$600, together with the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

12833. Misbranding of butter. U. S. v. Elkhorn Creamery Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 18099. I. S. Nos. 11510-v, 11874-v.)

On or about July 23, 1924, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Elkhorn Creamery Co., a corporation, Pocatello, Idaho, alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 6, 1923, from the State of Idaho into the State of Wyoming, and on or about September 12, 1923, from the State of Idaho into the State of Utah, of quantities of butter which was misbranded. The article was labeled in part: "Royal Butter * * * Mfd. By Elkhorn Creamery Company. * * * 16 Ounces Net Weight."

Examination of samples of the article from each consignment by the Bureau of Chemistry of this department showed that the average net weight of 90 cartons from one shipment and 30 cartons from the other was 15.64 ounces and 15.65 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "16 Ounces Net Weight," borne on the packages containing the article, was false and misleading, in that the said statement represented that each of the said packages contained 16 ounces net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 16 ounces net weight of the article, whereas, in truth and in fact, each of said packages did not contain 16 ounces net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 13, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

12834. Adulteration and misbranding of raspberry preserves. U. S. v. 60 Cases of Raspberry Preserves. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18721. I. S. No. 17909-v. S. No. C-4405.)

On June 3, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 cases of raspberry preserves, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Best-Clymer Co., from St. Louis, Mo., April 2, 1924, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jar) "Marigold Brand Corn Syrup Fruit Pectin Com-